

IFW
Docket No.: K2291.0104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Koichi Ebata et al.

Allowed: January 13, 2006

Application No.: 09/940,305

Confirmation No.: 5072

Filed: August 27, 2001

Art Unit: 2182

For: STREAMING DATA TRANSFER SYSTEM
AND REPEATER THEREFOR

Examiner: T. R. Peyton

REQUEST FOR SUPPLEMENTAL NOTICE OF ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: MS Issue Fee

Dear Sir:

Applicants received a Notice of Allowance dated January 13, 2006.

On September 20, 2001 and September 5, 2002, Applicants filed respective Information Disclosure Statements. During final review of the allowed application, Applicants note that the Information Disclosure Statements of September 20, 2001 and September 5, 200 were not fully acknowledged.

As per a telephone conversation of March 7, 2006 with Examiner Tammara Peyton and Carol McFarlane-Fishberg, Examiner Peyton indicates that a Supplemental Notice of Allowance would be mailed reflecting full acknowledgement of the Information Disclosure Statement dated September 20, 2001.

Applicants respectfully request that the Information Disclosure Statement dated September 5, 2002 be acknowledged and considered for the above-referenced patent application, before payment of the issue fee. A copy of said Information Disclosure Statement, SB 0/8 (Form PTO-1449), four cited references (plus stamped postcard indicating receipt by the U.S. Patent Office) are enclosed for your convenience.

A copy of the Information Disclosure Statement dated September 20, 2001 is also enclosed for the Examiner's convenience.

Please charge any credits or deficiencies to our Deposit Account No. 50-2215.

Dated: March 9, 2006

Respectfully submitted,

By 

Michael J. Scheer

Registration No.: 34,425

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

EBATA et al.

Serial No.: 09/940,305

Filed: 8/27/01

For: STREAMING DATA TRANSFER SYSTEM ...



Our Ref.: P/2291-104

Date: September 20, 2001

Group Art Unit: --

Examiner: --

Assistant Commissioner of Patents
Washington, D.C. 20231

SUBMISSION

Sir:

<input checked="" type="checkbox"/>	Submitted herewith is a copy of art together with an art listing form listing the same for the convenience of the Examiner.
<input type="checkbox"/>	The document(s) listed on the attached art listing form was/were cited in a Search Report issued by a foreign patent office in a related application. A copy of the Search Report (in the English language) is attached hereto for the Examiner's reference.
<input type="checkbox"/>	The Japanese Publication(s) listed on the attached art listing form was/were cited in a Japanese Office Action issued in a related application. A copy of the Japanese Office Action and an English-language translation of the relevant portions are also attached. SEE ENGLISH TRANSLATION FOR NON-ENGLISH-LANGUAGE DOCUMENTS.
<input type="checkbox"/>	This submission is being made after the issuance of a first Office Action and three months after the application filing date. Thus a Certification Under 37 C.F.R. §1.97(e) is set forth below.
<input type="checkbox"/>	I hereby certify that each item of information contained in this Submission was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Submission (37 C.F.R. §1.97(e)).
<input type="checkbox"/>	I hereby certify that each item of information contained in this Submission was cited in a communication from a foreign patent office in a counterpart foreign application not more than thirty (30) days prior to the filing of this Submission (37 C.F.R. §1.97(e)).
<input type="checkbox"/>	This submission is being made after the issuance of the first Office Action and without a certification. The fee of \$180.00 under 37 C.F.R. §1.17(p) is attached.
<input type="checkbox"/>	This submission is being made after the issuance of a final rejection or a Notice of Allowance but prior to the payment of the issue fee. Applicant(s) hereby attach the fee of \$180.00 under 37 C.F.R. §1.17(I). A certification under 37 C.F.R. §1.97(e) is set forth above.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #**EL613111094US**) in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231-9999, on September 20, 2001:

Dorothy Jenkins

Name of Person Mailing Correspondence

Dorothy Jenkins

Signature

September 20, 2001

Date of Signature

Respectfully submitted,

Max Moskowitz
Max Moskowitz
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

SIW/MM:sks

APPLICANT'S ART CITATION

(Use several sheets if necessary)

Application 09/940,305

OFGS File No. P/2291-104

Applicant EBATA et al.

Filing Date 8/27/01

Group Art Unit __

U.S. PATENT DOCUMENTS

Document Number	Date	Name	Class	Sub-class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub-class	Translation	
					Yes	No
4- 1 8 8 9 2 9	7/1992	JAPAN (see spec. pg. 2)				X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner

Date Considered

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Large Patent Application of:
Koichi Ebata, et al.

Application No.: 09/940,305

Group Art Unit: 2152

Filed: August 27, 2001

Examiner: Not Yet Assigned

For: STREAMING DATA TRANSFER
SYSTEM AND REPEATER THEREFOR

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

- ☒ This IDS is being filed before the First Office Action¹.
- ☐ This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action².

¹ The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

² The IDS *must* include *either* a certification under 37 C.F.R. §1.97(e) *or* the fee set forth in 37 C.F.R. §1.17(p).

- ☐ This IDS is being filed after the issuance of a Final Office Action but before the payment of the Final Fee³.

Certifications:

If checked, the undersigned makes the following statement(s):

- ☒ Statement under 37 CFR § 1.97(e):

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☒ Statement Under 37 C.F.R. § 1.704(d):

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

Fee Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):

- ☐ If checked, the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is attached.

³ The IDS *must* include *both* a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

Copies of Information:

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

- ☒ A legible copy⁴ of each document (or relevant portion thereof) is cited in the attached PTO/SB/08.
- ☐ With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached. This concise explanation is provided by way of:
- ☐ A translation of the relevant portions of the non-English language information⁵;
 - ☐ A statement explaining the relevant portions of the non-English language information;
 - ☐ A copy [and, where not in the English language, a translation] of at least the relevant portion(s)⁶ of the communication from a foreign patent office in a counterpart foreign application in which the information was cited; or
 - ☐ This information is contained in the specification of the present application.

⁴ A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) – (c). This exception does not apply to information cited in an International Application.

⁵ 37 C.F.R. §1.98(a)(3)(ii) *requires* that an English language translation be provided when a translation of the document, or portion thereof, “is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c).”

⁶ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an “X”, “Y”, or “A” indication on a search report. MPEP §609 III A(3).

☐ In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. _____, filed _____, which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

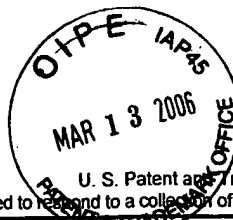
In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: September 5, 2002

Respectfully submitted,

By Edward A. Meilman
Edward A. Meilman

Registration No.: 24,735
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorneys for Applicant



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/940,305
				Filing Date	August 27, 2001
				First Named Inventor	Koichi Ebata
				Art Unit	2152
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	K2291.0104/P104
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	JP 05176000	07-13-1993			
	BB	WO 9522233	08-17-1995			

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Hui, J.Y., et al., "Client-Server Synchronization and Buffering for Variable Rate Multimedia Retrievals," IEEE Inc., vol. 14, no. 1, 1996	
	CB	Su, T-C, et al., "Buffered Multicast Routing For Video-on-Demand Systems," ICC '99. IEEE International Conference on Communications. Conf. Rec., Vancouver, CA, 1999, IEEE Int'l. Conf. on Comm., New York, vol. 2, 1999.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

✓
Atty Docket No.: K2291.0104/P104

Inventor: Koichi Ebata, et al.

Filing Date: August 27, 2001

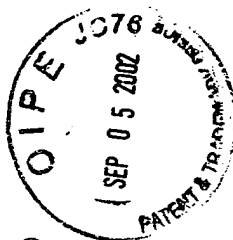
Application No.: 09/940,305

Title: STREAMING DATA TRANSFER SYSTEM AND REPEATER THEREFOR

Documents Filed:

Information Disclosure Statement (4 pages)

SB/08 and cited references



Via: PTO Daily Run

Sender's Initials: SIW/EAM/ma

Date: September 5, 2002

CHC 9-5-02

BEST AVAILABLE COPY

